

**David W. Axelrod, OSB #75023**

E-mail: [daxelrod@schwabe.com](mailto:daxelrod@schwabe.com)

**Devon Zastrow Newman, OSB #014627**

E-mail: [dnewman@schwabe.com](mailto:dnewman@schwabe.com)

Schwabe, Williamson & Wyatt, P.C.

Pacwest Center

1211 SW 5th Ave., Suite 1500-2000

Portland, OR 97204

Telephone 503-222-9981

Facsimile 503-796-2900

**Harold A. Barza, Cal. Bar #80888**

E-mail: [halbarza@quinnemanuel.com](mailto:halbarza@quinnemanuel.com)

**Tigran Guledjian, Cal. Bar #207613**

E-mail: [tigranguledjian@quinnemanuel.com](mailto:tigranguledjian@quinnemanuel.com)

Quinn Emanuel Urquhart & Sullivan, LLP

865 South Figueroa Street, 10th Floor

Los Angeles, CA 90017

Telephone (213) 443-3000

Facsimile (213) 443-3100

*Attorneys for Plaintiffs/Counter-Defendants Seiko Epson Corporation, Epson America, Inc., and Epson Portland Inc., and Counter-Defendant Herbert W. Seitz*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

**SEIKO EPSON CORPORATION,**  
a Japan corporation; **EPSON AMERICA,**  
**INC.,** a California corporation; and **EPSON**  
**PORTLAND INC.,** an Oregon corporation,

Plaintiffs,

v.

**GLORY SOUTH SOFTWARE**  
**MANUFACTURING INC.,** a California  
corporation; **BUTTERFLY PRINT IMAGE**  
**CORP. LTD;** a Hong Kong company; **INK**  
**LAB (H.K.) CO. LTD,** a Hong Kong  
company; **NECTRON INTERNATIONAL,**  
**LTD.,** a Texas company; **MIPO**  
**INTERNATIONAL LTD.,** a Hong Kong  
company; **MIPO AMERICA, LTD.,** a  
Florida company; **NINE STAR IMAGE CO.**  
**LTD,** a China company; **now known as**

**Civil No. 06-236-BR**

**EPSON'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT OF NO  
INEQUITABLE CONDUCT OR  
WALKER PROCESS FRAUD**

**ORAL ARGUMENT REQUESTED**

**NINESTAR TECHNOLOGY CO., LTD.**, a China company; **NINE STAR TECHNOLOGY COMPANY, LTD.**, a California company; **TOWN SKY INC.**, a California corporation; **ZHUHAI GREE MAGNETO-ELECTRIC CO. LTD.**, a China company; **MMC CONSUMABLES INC.**, a California company; **TULLY IMAGING SUPPLIES LTD.**, a Hong Kong company; **INKJETWAREHOUSE.COM INC.**, a Connecticut corporation; **WELLINK TRADING CO., LTD.**, a China company; **RIBBON TREE (MACAO) TRADING CO., LTD.**, a China company; **RIBBON TREE (USA) INC., dba CANA-PACIFIC RIBBONS INC.**, a Washington company; **APEX DISTRIBUTING INC.**, a Washington company; **ARTECH GMBH**, a German company; **INK TEC CO. LTD.**, a Korea company; **INK TEC AMERICA CORPORATION**, a Maryland company; **DATAPRODUCTS USA LLC**, a California limited liability corporation; **GERALD CHAMALES CORP., dba RHINOTEK COMPUTER PRODUCTS**, a California corporation; **MASTER INK CO., LTD.**, a Hong Kong company; **ACUJET U.S.A., INC.**, a California company; **RHINOTEK COMPUTER PRODUCTS, INC.**, a Delaware corporation,

Defendants.

**SEIKO EPSON CORPORATION**,  
a Japan corporation; **EPSON AMERICA,  
INC.**, a California corporation; and **EPSON  
PORTLAND INC.**, an Oregon corporation,

Plaintiffs,

v.

**E-BABYLON, INC., dba  
123INKJETS.COM**, a California  
corporation; **LINKYO CORP., dba  
SUPERMEDIASTORE.COM**, a California  
corporation; **CARTRIDGES ARE US, INC.**,  
a Michigan corporation; **PRINTPAL, INC.**,  
an Oregon corporation,

Defendants.

**Civil No. 07-896-BR**

**SEIKO EPSON CORPORATION**, a Japan  
corporation; **EPSON AMERICA, INC.**, a  
California corporation; and **EPSON  
PORTLAND INC.**, an Oregon corporation,

Plaintiffs,

v.

**INKJETMADNESS.COM, INC. dba  
INKGRABBER.COM**, a California  
corporation; **ACECOM INC - SAN  
ANTONIO, dba INKSELL.COM**, a Texas  
corporation; **COMPTREE INC., dba  
MERITLINE.COM**, a California  
corporation; **MEDIA STREET INC., dba  
MEDIASTREET.COM**, a New York  
corporation,

Defendants.

**Civil No. 08-0452-BR**

**SEIKO EPSON CORPORATION**,  
a Japan corporation; **EPSON AMERICA,**  
**INC.**, a California corporation; and **EPSON**  
**PORTLAND INC.**, an Oregon corporation,

Plaintiffs,

v.

**ABACUS 24-7 LLC**, an Arizona limited  
liability company; **EFORCITY**  
**CORPORATION, dba EFORCITY.COM**,  
a California corporation; **R&L IMAGING**  
**GROUP, INC.**, formerly known as **IEM**  
**CONSUMABLES, INC.**, a California  
corporation; **XP SOLUTIONS, LLC, dba**  
**CLICKINKS.COM**, a Florida limited  
liability company; **CLICKINKS.COM,**  
**LLC**, a Florida limited liability company;  
**GLOBAL BUSINESS SUPPORT**  
**SYSTEMS, INC., dba**  
**PRINTCOUNTRY.COM**, a Delaware  
corporation; **GREEN PROJECT, INC.**, a  
California corporation; and **JOSEPH WU**, an  
individual,

Defendants.

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**GREEN PROJECT, INC.**, a California  
corporation; and **JOSEPH WU**, an individual,

Counterclaimants,

v.

**SEIKO EPSON CORPORATION**,  
a Japan corporation; **EPSON AMERICA,**  
**INC.**, a California corporation; and **EPSON**  
**PORTLAND INC.**, an Oregon corporation;  
and **HERBERT W. SEITZ**, an individual,

Counter Defendants.

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**Civil No. 09-477-BR**

## **LOCAL RULE 7-1 CERTIFICATION AND LEAVE TO FILE MOTION**

Plaintiffs Seiko Epson Corporation, Epson America, Inc. and Epson Portland Inc. (collectively, "Epson") certify that counsel for Epson met and conferred with counsel for defendants Ninestar Technology Co. Ltd. (formerly Ninestar Image Co. Ltd.); Ninestar Technology Company Ltd.; Town Sky Inc.; Dataproducts USA LLC; Cartridges Are Us, Inc.; Linkyo Corp. (dba Supermediastore.com); Printpal, Inc.; Acecom Inc. – San Antonio (dba Inksell.com); Inkjetmadness.com, Inc. (dba Inkgrabber.com); Abacus 24-7, LLC; Global Business Support Systems, Inc. (dba Printcountry.com); XP Solutions, LLC (dba Clickinks.com); and Clickinks.com, LLC (collectively, the "Defendants") regarding this and other dispositive and *Daubert* motions on January 19, 2011. Further, this motion is submitted pursuant to the Court's March 11, 2011 and March 31, 2011 Orders granting leave to file this and other specifically-identified dispositive and *Daubert* motions identified in the parties' March 10, 2011 Joint Submission.

## **MOTION**

Epson moves the Court for a finding of no inequitable conduct or *Walker Process* fraud based on defendants' insufficient evidence of either a material omission or representation to the United States Patent & Trademark Office or intent to deceive the patent examiner with respect to their allegations of inequitable conduct and *Walker Process* fraud.

Epson's motion is based on the concurrently-filed supporting memorandum of points and authorities; the concurrently-filed declarations of Dr. Gerald M. Murch, the Honorable Gerald J. Mossinghoff, and Valerie Roddy; all pleadings and other records on file in this action; and such other evidence or argument that may be presented at any hearing on this motion.

DATED: April 22, 2011

SCHWABE, WILLIAMSON & WYATT, P.C.

By: /s/David W. Axelrod  
David W. Axelrod, OSB #75023  
Devon Zastrow Newman, OSB #014627  
Telephone: (503) 222-9981

Harold A. Barza, *Admitted Pro Hac Vice*  
Tigran Guledjian, *Admitted Pro Hac Vice*  
Valerie Roddy, *Admitted Pro Hac Vice*  
James D. Stein, *Admitted Pro Hac Vice*  
Rachael L. McCracken, *Admitted Pro Hac Vice*  
Justin Brownstone, *Admitted Pro Hac Vice*  
Quinn Emanuel Urquhart & Sullivan, LLP  
865 South Figueroa Street, 10th Floor  
Los Angeles, CA 90017  
Telephone: (213) 443-3000

*Attorneys for Plaintiffs and Counter-Defendants  
Seiko Epson Corporation, Epson America, Inc.,  
and Epson Portland Inc.*